



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.20131 of 2021

and

W.M.P.Nos.21407 & 21409 of 2021

Kanniya Kumar

... Petitioner

Vs.

1.Tamil Development, Charitable Endowments and
Information Department
(Now Hindu Religious and Charitable Endowments Department)
Secretariat
Chennai

2.The Commissioner
Hindu Religious and Charitable Endowments Department,
19 Uthamar Gandhi Salai
Nungambakkam
Chennai 600 034

3.ESI Corporation, Rep by its Commissioner
Sub Regional Officer at PanchEEP Complex, 1897
Trichy Road
Ramanathapuram
Coimbatore 641 045.

4.The Sellandiyamman Mariyamman Kovil
Old No.11, New No.4, Chettipalayam Village
Tiruppur

5.The Executive Officer,
The Sellandiamman Mariamman Temple
Chettipalayam Village
Tiruppur

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari or any other appropriate writ to call for the G.O.No.325 (Aa.Ni.5.2) issued by the 1st respondent Development of Tamil and Information Department dated 19.12.2011, for the purpose of the sale of temple land belonging to the Sellandiamman Mariamman Temple to ESI Corporation for construction of hospital and quash the same.



WEB COPY

For Petitioner : Ms.S.Yogalakshmi
for Mr.N.Hari Prasad

For R1 and R2 : Mr.NRR.Arun Natarajan
Government Advocate

For R4 and R5 : Mr.K.Ashok Kumar

ORDER
(Through Video Conferencing)

The writ petition on hand has been instituted questioning the validity of the Government Order in G.O.Ms.No.325, Tamil Development, Charitable Endowments and Information (Aa.Ni.5.2) Department, 19.12.2011.

2.The writ petition is filed by the petitioner under the guise of protecting the temple property. However, the fact remains that the Government passed the order impugned on 19.12.2011, stating that the temple property was sold to the ESI Corporation for the purpose of construction of ESI Hospital. For the land sold, the temple was given a valid consideration of Rs.11,90,72,566/-. Even in the year 2011, the value of the land was fixed as Rs.11,90,72,566/-. When the temple land was sold for construction of ESI Hospital in favour of the ESI Corporation, the petitioner cannot question the same now after a lapse of about 10 years from the date of passing of the impugned order.

3.It is pertinent to note that the impugned order was passed on 19.12.2011 and the present writ petition is filed on 2nd September, 2021, after a lapse of about 10 years.

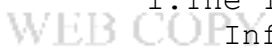
4.It is contended that the petitioner has already filed a civil suit in O.S.No.90 of 2013 before the Sub-Court, Tiruppur, for declaration that he is the title holder of the subject property. The suit is pending. When the petitioner himself is claiming right over the temple property, which was already sold in favour of the ESI Corporation and he has instituted a civil suit before the Sub-Court, Tiruppur, there is no reason to entertain the present writ petition, which is filed challenging the Government Order passed in the year 2011.

5.Thus, the writ petition stands dismissed both on the ground of laches and on merits. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//



To

- +1cc to Mr.K.Ashok Kumar, Advocate, S.R.No.56115
+1cc to the Government Pleader, S.R.No.56800

GSM (CO)
SB (26/11/2021)